UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF NEW YORK

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In re:	:	Chapter 11

ORION HEALTHCORP, INC, et al., : Case No. 18-71748 (AST)

Debtors. : (Jointly Administered)

HOWARD M. EHRENBERG IN HIS CAPACITY AS LIQUIDATING TRUSTEE OF ORION HEALTHCORP, INC., ET AL.,

: Adv. Pro. No. 20-08051 (AST)

Plaintiff,

ELENA SARTISON; 2 RIVER TERRACE APARTMENT 12J, LLC; CLODAGH BOWYER GREENE A/K/A CLODAGH BOWYER; ELLIOTT

GREENE,

v.

Defendants. :

ORDER DENYING MOTION OF DEFENDANT 2 RIVER TERRACE APARTMENT 12J LLC FOR A STAY OF THE COURT'S MARCH 1, 2021, SUMMARY JUDGMENT ORDER PENDING APPEAL PURSUANT TO RULE 8007

Upon consideration of the Motion by Defendant 2 River Terrace Apartment 12J, LLC for a Stay of the Court's March 1, 2021, Summary Judgment Order Pending Appeal Pursuant to Rule 8007 [Docket No. 84] (the "Motion") seeking to stay this Court's March 1, 2021 Judgment Granting Plaintiff's Motion For Summary Judgment, In Part, As Against Defendant 2 River Terrace Apartment 12J, LLC [Dkt. No. 64]; and upon consideration of the Trustee's Opposition to Defendant 2 River Terrace Apartment 12J LLC's Motion Pursuant to Rule 8007 for a Stay of the Court's March 1, 2021 Summary Judgment Order Pending Appeal (the "Opposition"); and upon the arguments of counsel at the hearing held on June 16, 2021; and upon all of the evidence at the Hearing; and the Court having taken judicial notice of pleadings, documents and evidence in this Chapter 11 Case [Case No. 18-7178) and this Adversary Proceeding; and due and proper

notice of the Motion having been given; and after due deliberation and good and sufficient cause appearing therefor:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

- The Motion is DENIED as 2 River Terrace Apartment 12J LLC (the "<u>Defendant</u>"). Defendant has not met its burden for the reasons stated on the record;
- 2. As stated on the record, had the Defendant sustained its burden on the Motion, the Court would have conditioned a stay upon the Defendant's: (a) payment of the outstanding debt owed to the Residential Board (estimated to be \$500,000) within 14 days and removal of the lien against the property to remove any threat of a sheriff's sale of 2 River Terrace, Apartment 12JK, New York, N.Y. (the "Property"), (b) posting within 14 days of a bond in the amount of \$5 million to protect appellee from loss during the appeal which includes costs for ongoing monthly common charges, and (d) a limit of the stay for one year at which time the Court would revisit status and requirement of any further security.